

HOUSE BILL No. 1284

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-2-13; IC 5-2.

Synopsis: Racial profiling. Prohibits a law enforcement agency or officer from engaging in racial profiling or conducting pretextual stops. Requires a law enforcement agency to adopt a detailed policy that defines the elements of racial profiling and pretextual stops, and requires a law enforcement agency to collect certain data relating to stops made by law enforcement officers. Requires cultural diversity awareness training and training on unlawful racial profiling and pretextual stops as a part of the mandatory training for law enforcement officers. Specifies that a law enforcement agency shall transmit to the attorney general information concerning racial profiling complaints, investigations, and any action taken, as well as data collected relating to stops made by the law enforcement agency. Requires the attorney general to submit an annual report to the legislative council based on this information, to submit the data to a third party for statistical analysis, and to publish the results of the analysis on the attorney general's Internet web site. Establishes the racial profiling review commission to review complaints of unlawful racial profiling and unlawful pretextual stops. Permits a person to bring a civil action based on unlawful racial profiling and unlawful pretextual stops. Permits a law enforcement agency to use certain federal funds to purchase vehicle cameras and body cameras, and establishes training standards and standards for use.

Effective: July 1, 2015.

Pryor

January 13, 2015, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1284

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-6-2-13 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]: **Sec. 13. (a) Before November 1, 2016, and every year**
4 **thereafter, the attorney general shall submit a report to the**
5 **legislative council concerning racial profiling and pretextual stops.**
6 **The report must be based on information received from law**
7 **enforcement agencies under IC 5-2-21-9 and must include:**
8 (1) **the number of complaints filed alleging racial profiling**
9 **and pretextual stops;**
10 (2) **the results of the investigation into each complaint;**
11 (3) **if the complaint is substantiated, the action taken against**
12 **the offending law enforcement officer;**
13 (4) **a summary of the detailed statistical analysis of stops**
14 **conducted by law enforcement agencies based on the third**
15 **party analysis described in subsection (c); and**



1 **(5) any statistical or other information contained in or derived**
2 **from the information received from law enforcement agencies**
3 **that the attorney general believes would be useful to the**
4 **legislative council.**

5 **The report submitted to the legislative council must be in an**
6 **electronic format under IC 5-14-6. Not later than thirty (30) days**
7 **after submitting the report to the legislative council, the attorney**
8 **general shall publish a copy of the report on the attorney general's**
9 **Internet web site.**

10 **(b) The attorney general and the secretary of the civil rights**
11 **commission may recommend legislation based on the contents of**
12 **the report.**

13 **(c) The attorney general shall provide compiled, anonymous**
14 **data concerning law enforcement agency stops to a third party**
15 **having expertise in statistical analysis. The third party shall**
16 **analyze the data and provide the attorney general with its**
17 **statistical analysis of the data. The attorney general shall provide**
18 **updated data to the third party analyst at least quarterly, and shall**
19 **publish the results of the analysis on the attorney general's Internet**
20 **web site. The attorney general shall update the analysis on the**
21 **attorney general's Internet web site at least quarterly.**

22 **(d) Information transmitted to the legislative council or to the**
23 **third party analyst or published on the attorney general's Internet**
24 **web site may not include any personal identifying information.**

25 **(e) Information received by the attorney general from a law**
26 **enforcement agency and not released to the public is confidential.**

27 **SECTION 2. IC 5-2-1-9, AS AMENDED BY P.L.164-2014,**
28 **SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
29 **JULY 1, 2015]: Sec. 9. (a) The board shall adopt in accordance with**
30 **IC 4-22-2 all necessary rules to carry out the provisions of this chapter.**
31 **The rules, which shall be adopted only after necessary and proper**
32 **investigation and inquiry by the board, shall include the establishment**
33 **of the following:**

34 **(1) Minimum standards of physical, educational, mental, and**
35 **moral fitness which shall govern the acceptance of any person for**
36 **training by any law enforcement training school or academy**
37 **meeting or exceeding the minimum standards established**
38 **pursuant to this chapter.**

39 **(2) Minimum standards for law enforcement training schools**
40 **administered by towns, cities, counties, law enforcement training**
41 **centers, agencies, or departments of the state.**

42 **(3) Minimum standards for courses of study, attendance**



requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness, including training on the U nonimmigrant visa created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities. **Cultural diversity awareness study must include study of unlawful racial profiling and pretextual stops, and shall examine patterns, practices, and protocols that make up racial profiling and unlawful pretextual stops. In establishing a program of study, the board shall consult with persons having expertise and interest in the field of cultural diversity awareness and the prevention of unlawful racial profiling and pretextual stops.**

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with autism, mental illness, addictive disorders, mental retardation, and developmental disabilities;

(B) missing endangered adults (as defined in IC 12-7-2-131.3); and

(C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board.



(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (l), (r), and (s), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property; or

(3) carry a firearm;



1 unless the law enforcement officer successfully completes, at a board
2 certified law enforcement academy or at a law enforcement training
3 center under section 10.5 or 15.2 of this chapter, the basic training
4 requirements established by the board under this chapter.

5 (e) This subsection does not apply to:

6 (1) a gaming agent employed as a law enforcement officer by the
7 Indiana gaming commission; or

8 (2) an:

9 (A) attorney; or

10 (B) investigator;

11 designated by the securities commissioner as a police officer of
12 the state under IC 23-19-6-1(k).

13 Before a law enforcement officer appointed after June 30, 1993,
14 completes the basic training requirements, the law enforcement officer
15 may exercise the police powers described in subsection (d) if the
16 officer successfully completes the pre-basic course established in
17 subsection (f). Successful completion of the pre-basic course authorizes
18 a law enforcement officer to exercise the police powers described in
19 subsection (d) for one (1) year after the date the law enforcement
20 officer is appointed.

21 (f) The board shall adopt rules under IC 4-22-2 to establish a
22 pre-basic course for the purpose of training:

23 (1) law enforcement officers;

24 (2) police reserve officers (as described in IC 36-8-3-20); and

25 (3) conservation reserve officers (as described in IC 14-9-8-27);

26 regarding the subjects of arrest, search and seizure, the lawful use of
27 force, interacting with individuals with autism, and the operation of an
28 emergency vehicle. The pre-basic course must be offered on a periodic
29 basis throughout the year at regional sites statewide. The pre-basic
30 course must consist of at least forty (40) hours of course work. The
31 board may prepare the classroom part of the pre-basic course using
32 available technology in conjunction with live instruction. The board
33 shall provide the course material, the instructors, and the facilities at
34 the regional sites throughout the state that are used for the pre-basic
35 course. In addition, the board may certify pre-basic courses that may be
36 conducted by other public or private training entities, including
37 postsecondary educational institutions.

38 (g) The board shall adopt rules under IC 4-22-2 to establish a
39 mandatory inservice training program for police officers. After June 30,
40 1993, a law enforcement officer who has satisfactorily completed basic
41 training and has been appointed to a law enforcement department or
42 agency on either a full-time or part-time basis is not eligible for



continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include training in interacting with persons with mental illness, addictive disorders, mental retardation, autism, developmental disabilities, and Alzheimer's disease or related senile dementia, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking, **cultural diversity, unlawful racial profiling, unlawful pretextual stops**, and high risk missing persons (as defined in IC 5-2-17-1). The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either of the following:

- (1) An emergency situation.
- (2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.
- (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.
- (5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.
- (6) The program must require training in interacting with individuals with autism.

(i) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.



- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(l) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;



(2) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and

(3) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

(2) has not been employed as a law enforcement officer for at least six (6) years and less than ten (10) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;

(3) is hired under subdivision (1) in an upper level policymaking position; and

(4) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

A refresher course established under this subsection may not exceed one hundred twenty (120) hours of course work. All credit hours received for successfully completing the police chief executive training program under subsection (i) shall be applied toward the refresher course credit hour requirements.

(p) Subject to subsection (q), an officer to whom subsection (n) or (o) applies must successfully complete the refresher course described in subsection (n) or (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

(1) arrest;

(2) search; and

(3) seizure.

(q) A law enforcement officer who has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) is not eligible to attend the refresher course described in subsection (n) or (o) and must repeat the full basic training course to regain law enforcement powers. However, a law enforcement officer who has worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) and who otherwise satisfies the requirements of subsection (n) or (o) is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) or (o) and the pre-basic training course established under subsection (f).



(r) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(s) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(t) As used in this section, "upper level policymaking position" refers to the following:

- (1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.
- (2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:
 - (A) the position held by the police chief or town marshal; and
 - (B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.
- (3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:
 - (A) the position held by the police chief or town marshal; and
 - (B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(u) This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

- (1) the officer successfully completes the pre-basic course described in subsection (f); and



(2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.

SECTION 3. IC 5-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 21. Prohibition Against Racial Profiling and Pretextual Stops

Sec. 1. The following definitions apply throughout this chapter:

(1) "Commission" refers to the racial profiling review commission established by section 9 of this chapter.

(2) "Housing status" means the character of an individual's residence or lack of residence, including whether the residence is publicly or privately owned, or is occupied on a temporary or permanent basis. The term includes:

(A) an individual's ownership status with regard to the individual's residence;

(B) the status of having or not having a fixed residence;

(C) an individual's use of publicly assisted housing;

(D) an individual's use of the shelter system; and

(E) an individual's actual or perceived homelessness.

(3) "Law enforcement agency" or "agency" means the following:

(A) A city or town police department.

(B) A town marshal system.

(C) A sheriff's department.

(D) The state police department.

(E) The law enforcement division of the department of natural resources.

(F) The excise police division of the alcohol and tobacco commission.

(G) A state educational institution police department.

(H) A school resource officer.

(4) "Law enforcement officer" or "officer" means an officer of a law enforcement agency.

(5) "Pretextual stop" means the detention of a person by a law enforcement agency or officer for the violation of a statute or ordinance to allow the agency or officer to investigate a separate and unrelated suspected criminal offense.

(6) "Racial profiling" means:

(A) the detention;

(B) the official restraint; or



(C) other disparate treatment;
 of an individual on the basis of age, sex, color, race, ethnicity,
 religion, national origin, gender identity or expression, sexual
 orientation, immigration or citizenship status, language,
 disability (including HIV status), or socioeconomic status. The
 term does not include a specific suspect based description
 notification.

(7) "Specific suspect based description notification" means a
 reasonably detailed physical description of the personal
 identifying characteristics of a potential suspect (including
 age, sex, race, or ethnicity) by a law enforcement agency or
 officer.

Sec. 2. A law enforcement agency or officer may not engage in
 racial profiling.

Sec. 3. A law enforcement agency or officer may not conduct a
 pretextual stop.

Sec. 4. The race or ethnicity of an individual may not be the sole
 factor in:

- (1) determining the existence of probable cause to take into
 custody or to arrest an individual; or
- (2) constituting a particularized suspicion that an offense has
 been or is being committed in order to justify the detention of
 an individual or the investigatory stop of a motor vehicle.

Sec. 5. (a) Not later than January 1, 2016, a law enforcement
 agency shall adopt a detailed written policy that:

- (1) prohibits racial profiling;
- (2) prohibits pretextual stops;
- (3) clearly defines the elements constituting racial profiling
 and pretextual stops; and
- (4) includes a procedure that the law enforcement agency will
 use to address complaints concerning racial profiling and
 pretextual stops.

(b) A law enforcement agency must make the policy available
 for public inspection during normal business hours.

Sec. 6. If an investigation of a complaint of racial profiling
 reveals that a law enforcement officer was in direct violation of the
 law enforcement agency's written policy prohibiting racial
 profiling and pretextual stops, the law enforcement agency shall
 take appropriate action against the law enforcement officer
 consistent with the applicable rules, ordinances, or policies of the
 law enforcement agency.

Sec. 7. (a) A person or organization that believes that unlawful



1 racial profiling or an unlawful pretextual stop has occurred may
 2 bring an action against the law enforcement officer, law
 3 enforcement agency, or governmental entity that controls the law
 4 enforcement agency.

5 (b) Filing a complaint under section 5 or 9 of this chapter is not
 6 a prerequisite for bringing an action under this section.

7 (c) The court may award a prevailing plaintiff under this
 8 section:

- 9 (1) actual damages;
- 10 (2) punitive damages;
- 11 (3) declaratory relief; and
- 12 (4) injunctive relief.

13 In addition, a prevailing plaintiff is entitled to reasonable
 14 attorney's fees, court costs, and expert witness fees.

15 Sec. 8. (a) A law enforcement agency shall provide to the
 16 attorney general:

- 17 (1) a copy of every complaint filed with the agency alleging
- 18 racial profiling or pretextual stops;
- 19 (2) the results of the investigation into each complaint; and
- 20 (3) if the complaint is substantiated, the action taken against
- 21 the offending law enforcement officer.

22 (b) A law enforcement agency shall also provide to the attorney
 23 general the following information:

- 24 (1) The number of pedestrian and vehicular stops conducted
- 25 by the agency.
- 26 (2) The identifying characteristics of each person stopped,
- 27 including the person's perceived age, gender, race, ethnicity,
- 28 and English language proficiency.
- 29 (3) The location and duration of each stop.
- 30 (4) The traffic violation alleged to have been committed that
- 31 led to each stop.
- 32 (5) Whether a warning or citation was issued as a result of a
- 33 stop and, if so, the specific violation charged or warning given.
- 34 (6) Whether a search was performed as a result of a stop.
- 35 (7) If a search was performed as a result of a stop:
- 36 (A) whether the person consented to the search;
- 37 (B) the probable cause or reasonable suspicion justifying
- 38 the search, if applicable;
- 39 (C) whether the search was of the person, the person's
- 40 property, or both; and
- 41 (D) the duration of the search.
- 42 (8) If a search was of a passenger in the motor vehicle, the



perceived age, gender, race, ethnicity, and English language proficiency of the passenger.

(9) Whether any contraband was discovered or seized in the course of a search, including money, and the type of any contraband discovered or seized.

(10) Whether any physical force was used by or against the law enforcement officer and the amount of force used.

(11) Whether a search involved canine units or advanced technology.

(12) Any additional information required by the attorney general.

(13) Any additional information that the law enforcement agency considers appropriate to include.

(c) Information provided by a law enforcement agency to the attorney general under this section must be submitted on a monthly basis.

(d) After removing all personal identifying information contained in the data, a law enforcement agency shall compile and conspicuously publish the data collected under this section on the agency's Internet web site. The data published on the Internet web site shall be updated at least one (1) time every thirty (30) days.

(e) The raw data collected by a law enforcement agency and not published in a compiled and redacted form on the agency's Internet web site is confidential.

(f) The attorney general shall prepare annual reports in accordance with IC 4-6-2-13 based on information received under this section.

Sec. 9. (a) The racial profiling review commission is established.

(b) The commission shall hear and examine complaints of alleged unlawful racial profiling and pretextual stops. With the assistance of the civil rights commission, the commission shall adopt rules and forms for receiving complaints of unlawful racial profiling and pretextual stops.

(c) Every law enforcement officer who performs a stop shall provide the person stopped with notice that the person has the right to file a complaint alleging unlawful racial profiling or a pretextual stop with the commission.

(d) The commission consists of twelve (12) members appointed as follows:

(1) The secretary of the civil rights commission, or the secretary's designee, who must be a member of the civil rights commission. The secretary or the secretary's designee serves



as chairperson of the commission.

(2) One (1) member appointed by the governor.

(3) One (1) member of a group that supports people of color, people of all races, and people with different ethnicities, appointed by the governor.

(4) One (1) member of a group that supports lesbian, gay, bisexual, and transgender persons, appointed by the governor.

(5) One (1) member of a group that supports the homeless, appointed by the governor.

(6) One (1) member of a group that supports persons with a disability, appointed by the governor.

(7) One (1) member of a group that supports undocumented persons, appointed by the governor.

(8) The superintendent of the Indiana state police department or the superintendent's designee.

(9) One (1) member of the Marion County bar association, appointed by the governor from a list of at least three (3) members provided to the governor by the president of the Marion County bar association.

(10) One (1) member of a group that supports women, appointed by the governor.

(11) One (1) member representing law enforcement, appointed by the governor from a list of:

(A) two (2) persons submitted by the Indiana State Fraternal Order of Police; and

(B) two (2) persons submitted by the Indiana Black State Troopers Association.

(12) One member of a group that supports interfaith dialogue and understanding among Christian and nonChristian religious organizations, appointed by the governor from a list submitted by one (1) or more groups supporting interfaith dialogue.

(e) A commission member serves a four (4) year term, except for the superintendent of the Indiana state police department and the secretary of the civil rights commission, who are ex officio members. If the superintendent of the Indiana state police department or the secretary of the civil rights commission no longer holds that position, the secretary or superintendent, and if applicable, that person's designee, ceases to be a member of the commission.

(f) A commission member, other than the superintendent of the Indiana state police department and the secretary of the civil rights



1 commission, may be removed only for cause.

2 (g) The civil rights commission shall provide a hearing room,
3 staff, and administrative support to the commission.

4 (h) Each member of the commission who is not a state employee
5 is entitled to the minimum salary per diem provided by
6 IC 4-10-11-2.1(b). The member is also entitled to reimbursement
7 for traveling expenses as provided under IC 4-13-1-4 and other
8 expenses actually incurred in connection with the member's duties
9 as provided in the state policies and procedures established by the
10 Indiana department of administration and approved by the budget
11 agency.

12 (i) The affirmative votes of a majority of the voting members
13 appointed to the committee are required for the committee to take
14 action on any measure.

15 (j) The commission shall hold one (1) regular meeting each
16 month and may hold additional meetings at the call of the
17 chairperson.

18 (k) The commission may subpoena witnesses, compel their
19 attendance, administer oaths, take the testimony of any person
20 under oath, and require the production for examination of any
21 books and papers relating to any matter under investigation or in
22 question before the commission. Refusal to obey a subpoena issued
23 under this section shall constitute a contempt. A citation of
24 contempt may be issued upon application by the commission to the
25 circuit or superior court in the county in which the hearing is held
26 or in which the witness resides or transacts business.

27 (l) Adjudicative proceedings before the commission shall be
28 conducted in accordance with IC 4-21.5. Judicial review of a
29 commission determination is available under IC 4-21.5-5.

30 (m) The commission shall state its findings of fact after a
31 hearing and notify both the complainant and the respondent of its
32 decision in writing. If the commission finds that a law enforcement
33 agency or officer has committed unlawful racial profiling or
34 performed a pretextual stop, the commission shall order the person
35 to cease and desist from the unlawful practice. The commission
36 may require the person to take other affirmative action, including:

37 (1) reimbursing losses incurred as a result of unlawful racial
38 profiling or pretextual stops;

39 (2) requiring the posting of a notice setting forth the
40 prohibition against racial profiling and pretextual stops; and

41 (3) requiring proof of compliance to be filed by the respondent
42 at periodic intervals.



1 A determination by the commission is a final agency action.

2 (n) The commission shall promote the creation of local agencies
3 to address unlawful racial profiling and pretextual stops.

4 (o) The commission may adopt rules under IC 4-22-2 to carry
5 out its purposes under this section.

6 Sec. 10. (a) Every law enforcement agency in Indiana may use
7 federal funds from community oriented policing services grants or
8 any other federal source to equip:

9 (1) a vehicle used for traffic stops with a video camera and
10 voice activated microphone; and

11 (2) a law enforcement officer with a body camera and voice
12 activated microphone.

13 (b) Every law enforcement agency that equips vehicles or
14 personnel with a camera shall do the following:

15 (1) Implement a course of instruction, which incorporates
16 pertinent laws, rules of evidence, departmental policies and
17 procedures, and the use and operation of the equipment.

18 (2) Implement an introductory vehicle and body camera
19 course designed specifically for new officers.

20 (3) Implement a refresher course for advanced officer
21 training.

22 (c) A minor, noncriminal infraction by a law enforcement
23 officer that is discovered during a routine review of recorded
24 material is to be treated as a training opportunity and not as a
25 routine disciplinary action, unless the infraction is repeated after
26 being addressed informally.

27 (d) A criminal action by a law enforcement officer that is
28 discovered during a routine review of recorded material is subject
29 to routine disciplinary actions and criminal charges.

30 (e) The chief law enforcement officer shall provide a copy of a
31 recorded stop to the person stopped upon request of the person if
32 the recording has not yet been discarded under subsection (i) or (j).

33 (f) On the commencement of an investigation by a law
34 enforcement agency of a complaint of unlawful racial profiling or
35 of an unlawful pretextual stop in which a recording of the
36 occurrence on which the complaint is based exists, the agency shall,
37 upon written request, promptly provide a copy of the recording to
38 the person who made the complaint and to the law enforcement
39 officer who is the subject of the complaint.

40 (g) The:

41 (1) chief law enforcement officer of the involved law
42 enforcement officer's law enforcement agency;



1 (2) commission;
 2 (3) prosecuting attorney having jurisdiction; and
 3 (4) attorney for the complainant;
 4 are the only parties authorized to access the retained recording.
 5 (h) A video camera installed in a vehicle pursuant to a grant
 6 under this section must be:
 7 (1) automatically activated during every traffic stop;
 8 (2) able to record audio; and
 9 (3) designed and installed to record a traffic stop in its
 10 entirety.
 11 The camera may not be equipped with a manual shutoff switch and
 12 must be activated for the entirety of a traffic stop.
 13 (i) The chief law enforcement officer of an agency receiving a
 14 grant under this section shall ensure that each recording is stored
 15 for a minimum of ninety (90) days after being made. A recording
 16 must be stored and maintained in an ordered and accessible
 17 manner.
 18 (j) The chief law enforcement officer of an agency may not
 19 discard a recording if the recording is evidence in an investigation,
 20 an administrative proceeding, or a civil action. Unless the chief law
 21 enforcement officer has not been instructed to maintain a
 22 recording for a longer period by:
 23 (1) a court;
 24 (2) the commission;
 25 (3) a prosecuting attorney with jurisdiction; or
 26 (4) a person or organization that has requested an
 27 investigation of, or has filed a complaint, administrative
 28 proceeding, or civil action concerning unlawful racial
 29 profiling or pretextual stops;
 30 the chief law enforcement officer may discard the recording after
 31 ninety (90) days.
 32 (k) If available, a camera and voice activated microphone shall
 33 be used by uniformed officers and in marked vehicles. A camera
 34 and voice activated microphone shall be used in:
 35 (1) all routine stops of individuals and vehicles, whether
 36 spontaneous or planned; and
 37 (2) every operation involving the planned use of force, even if
 38 the operation involves nonuniformed officers.
 39 (l) A law enforcement officer shall, whenever practicable, notify
 40 persons that they are being recorded. An officer may meet this
 41 requirement by wearing an easily visible pin stating "lapel camera
 42 in operation".

